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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------------------------|-------------|----------------------|-------------------------|------------------|
| 09/652,690 | 08/31/2000 | Jeffrey L. Huckins | INTL-0454-US(P9662) | 3146 |
| 7590 | 08/24/2005 | | EXAMINER | |
| Timothy N Trop Trop Pruner & Hu PC Suite 100 8554 Katy Freeway Houston, TX 77024 | | | SALAD, ABDULLAHI ELM | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2157 | |
| | | | DATE MAILED: 08/24/2005 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/652,690 | HUCKINS, JEFFREY L. |
| | Examiner | Art Unit |
| | Salad E. Abdullahi | 2157 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 June 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 24-30 is/are allowed.
- 6) Claim(s) 1, 9-11, 19-23 and 31 is/are rejected.
- 7) Claim(s) 2-8 and 12-18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The response filed 6/6/2005 has been received and made of record.
2. Applicant's arguments filed on 6/6/2005 with respect claims 1, 9-11 and 19-23 have been fully considered but they are not persuasive for the following reasons

Applicant alleges in Pothapragada "there is no management of data storage is provided" further alleging the phrase "controlling management of data storage" must mean something different than controlling data storage without specific details what phrase "controlling management of data storage" encompasses.

Examiner asserts Pothapragada discloses a system and a method for managing storage space in one or more data storage devices, wherein a manager manages one or more virtual volumes on each data storage device. The manager performs operations to allocate space. The manager operations include one operation selected from a group of commands to initialize, attach, detach, connect, bind, write, read, move, signal, query, convert, control, and callback data in a storage partition (see col. 7, lines 35-45 and col. 8, lines 29-51).

Allowable Subject Matter

3. Claims 2-8 and 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 24-30 are allowed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless--

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 3718 of this title before the invention thereof by the applicant for patent.

6. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 9-11, 19-23 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Pothapragada et al., U.S. Patent No. 6,389,432[hereinafter Pothapragada].

As per claim 1, 11, and 21, Pothapragada disclose a method comprising:

- receiving on a first client (SAN-1 Manager 100) a message (i.e., request) from a server (server A) addressed to said client (the manager being operable to receive a request for storage space from a requester, the request specifying one or more criteria associated with the requested storage space) (see col. 2, lines 39-53 and col. 7, lines 35-45);
- controlling management of data storage by said client based on information included in said message (see col. 2, lines 39-53 and col. 7, lines 35-45);

In considering claims 9 and 10, Pothapragada discloses a method including receiving a message including an identifier, which specifies a task, to perform on a storage device (see fig. 5 and col. 8, lines 9-28).

In considering claims 19 and 20, Pothapragada discloses a system including receiving a message including an identifier, which specifies a task, to perform on a storage device (see fig. 5 and col. 8, lines 9-28).

In considering claims 22 and 23, Pothapragada disclose a system, wherein said storage stores instructions that enable the device to compare group identifier in a message to determine whether the device is within a group addressed by said server (see col. 2, lines 39-53 and col. 35-45).

As per claim 31, Pothapragada disclose the method of claim 1 wherein controlling management of data storage includes controlling the organization of how data is stored by said client (see col. 7, lines 35-45 and col. 8, lines 29-51).

CONCLUSION

8. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Abdullahi Salad
Primary Examiner
8/16/2005